

Application Ser. No.: 10/761,982
Filing Date: January 21, 2004
Examiner: Stockton, Laura

Remarks

In the Office Action, making the action final, the Examiner has noted that claims 1-3, 5-22 and 27-35 are pending in the application; claims 1-3, 5-22 and 35 are allowed; and that claims 27-34 are rejected. By this amendment, claims 27-34 have been cancelled without prejudice or disclaimer of the subject matter contained therein.. Thus, claims 1-3, 5-22 and 35 are pending in the application, and as noted above, all of which are deemed to be in condition for allowance. No new subject matter has been inserted through these amendments. The Examiner's rejections are respectfully traversed below.

Election/Restriction

The Examiner has made final the twelve-way restriction imposed on this application. Applicants had already deleted the non-elected subject matter. However, the Examiner has rejoined claims 27-34 directed to method of treatment using the compounds of claim 1 pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86).

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 27-34 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

However, as noted above, claims 27-34 have been canceled without prejudice obviating this rejection. Accordingly, withdrawal of rejection as to claims 27-34 under 35 USC 112, first paragraph is respectfully requested.

Allowable Subject Matter

Applicants note with much appreciation the allowance of claims 1-3, 5-22 and 35.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1-3, 5-22 and 35 are now in condition for allowance and the early issuance of this case is

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respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

As noted above, Applicants are concurrently filing a request for continued examination (RCE) with this submission.. Applicants request the Commissioner to charge these fees and any other fees that are deemed necessary due to this submission to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

March 8, 2006

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Encl: Transmittal for Request for Continued Examination (RCE) (1 page)

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